

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANA L. FANTUZZI,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

C15-425 TSZ (KLS)

ORDER

Having reviewed the Report and Recommendation of the Honorable Karen L. Strombom (“R&R”), docket no. 17, to which no objection was timely filed, as well as the written decision of Administrative Law Judge Stephanie Martz (the “ALJ”), AR 13-25 (docket no. 9-2 at 14-26), and the briefs of the parties, docket nos. 11, 15, and 16, the Court hereby ORDERS:

(1) The R&R is ADOPTED. Although the R&R did not address plaintiff’s arguments that the ALJ improperly rejected the opinions of Victoria McDuffee, Ph.D. and Paul Grills, ARNP,¹ neither party objected to the R&R or requested further review.

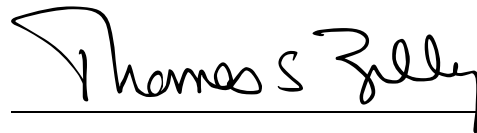
¹ Having reviewed the ALJ’s decision, the Court is satisfied that the ALJ did not actually “reject” the opinion of Dr. McDuffee, but rather gave it “some weight.” AR 22. The ALJ considered Dr. McDuffee’s conclusion that plaintiff “would have no limitation in the ability to understand, remember, and persist in

1 (2) The denial of disability insurance and supplemental security income
2 benefits is REVERSED and this matter is REMANDED for further administrative
3 proceedings.

4 (3) The Clerk is DIRECTED to send a copy of this Order to all counsel of
5 record and to Magistrate Judge Strombom.

6 IT IS SO ORDERED.

7 Dated this 15th day of March, 2016.

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10 Thomas S. Zilly
11 United States District Judge
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20 tasks following simple instructions.” *Id.* The ALJ did not, however, fully accept Dr. McDuffee’s
21 assessments concerning plaintiff’s social and cognitive functioning and, in adopting the R&R, the Court
22 makes no ruling concerning whether the ALJ erred. Similarly, with respect to the ALJ’s decision
23 according “little weight” to the opinion of Nurse Grills, *see* AR 23, the Court does not, by adopting the
R&R, decide whether the ALJ erred.